

REMARKS

This Preliminary Amendment is filed in connection with a Request for Continued Examination, and in response to the Final Office Action mailed Nov 2nd, 2005 and the Interview with the Examiner of Feb. 2nd, 2006. All objections and rejections are respectfully traversed.

Claims 2-4, 7-8, 10-16, 37-45, 51-56, and 58-71 are now pending in the case.

Claims 2,-4, 8, 11-13, 16, 39-41, 51, and 56 have been amended to better claim the invention.

Claims 58-71 have been added.

The Applicant thanks the Examiner for his comments during the Interview of Feb 2nd, 2006.

Claim Rejections - 35 U.S.C. §101

At paragraph 2 of the Final Office Action, claim 57 was rejected under 35 U.S.C. §101. The Applicant has cancelled such claim to advance the prosecution of the case.

Claim Objections

At paragraph 4 of the Final Office Action, claim 5 was objected to as being in improper dependent form for failing to further limit the subject matter of the previous claim. The Applicant has cancelled such claim to advance the prosecution of the case.

Claim Rejections - 35 U.S.C. §102

At paragraphs 5-6 of the Office Action, claims 1-5, 9-14, 37-44, 46-49 and 51-54 were rejected under 35 U.S.C. §102(b) as anticipated by Carusone, Jr. et al., U.S. Patent No. 5,157,1992, issued on Oct. 20th, 1992 (hereinafter Carusone).

The Applicant has amended claims 13 and 16 in light of the allowance of claim 7 and accordingly, the Applicant will focus discussions upon there other rejected claims.

The Applicant's claim 41, representative in part of the other rejected claims, sets forth:

41. A method for storing and distributing data in a network storage system having a plurality of devices interconnected with a switch, the method comprising the steps of:

writing, by a first one of the plurality of devices, a set of data into a port memory associated with a port of the switch;

including in the set of data a disk identification string, the disk identification string indicating a name of a switch, a port number on the switch, a disk number, and a status of the disk; and

reading by a second one of the plurality of devices the set of data from the port memory to determine the status of the disk.

Carusone discloses a method for diagnosing the cause of a fault in a link-connected network, using fault "reports" generated by the system. *See* col. 4, lines 41-48. When a device is initially connected to, or reconnected to, a neighboring device, the devices exchange Link Adapter Identifiers (LAIDs), that identify the respective devices, and the interface or port involved in the link connection. *See* col. 5, lines 1-11 and col. 9 lines 12-16. Each LAID pair "is stored at each end of link 245 (i.e. locally in the units attached to the link 245)." *See* col. 9, lines 22-23. If a failure occurs, the LAID pair is communicated by the devices (i.e. on either end of the link) to a "central location." *See* col. 9, lines 33-35 and 45-51. Using LAID pair information, the "central location" determines if the reports describe the same failure, and if so, sends a single message to a network operator. *See* col. 10, lines 5-10.

The Applicant respectfully urges that Carusone is silent concerning the Applicant's claimed ***"writing, by a first one of the plurality of devices, a set of data into a port memory associated with a port of the switch"*** and ***"and reading by a second one of the plurality of devices the set of data from the port memory to determine the status of the disk."***

While the Applicant claims writing data ***by a first one of the plurality of devices to a port memory associated with a port of the switch***, and ***reading by a second one of the plurality of devices***, Carusone simply writes LAID pair information by a first device to the first device's own local storage and uses "reports" to communicate the LAID pair to other devices. That is, Carusone makes clear the LAID pair "is stored at each end of link 245 (i.e. locally in the units attached to the link 245)." See col. 9, lines 22-23. Carusone then adds the LAID pair information to "reports" that are sent to a "central location" for aggregation. In effect, Carusone "pushes" information from one device to another. As the Applicant describes in the background section of the present Application, techniques that involve pushing packets (sending "reports") suffer a number of shortcomings. Specifically, at page 3, line 25 to page 4, line 2 of the Application, the Applicant describes:

A noted disadvantage of the multicast method of distributing these types of data is a need to ensure that all filers receive any updated information. ***For example, if a filer is offline when a packet is broadcast, the filer will not receive the data. If the filer subsequently comes on-line, and attempts to access an offline and inaccessible disk, the data may be lost.*** Similarly, if a filer is offline when a resolvable name is broadcast, but then comes on-line, that filer will not *know* the address resolvable name. File servers can be programmed to regularly re-broadcast this data, but a filer still needs to wait until the next broadcast to receive this information.

In part to avoid the above describe shortcomings, the Applicant does not rely on sending "reports," which may be lost without an intended recipient device ever knowing. Instead, the Applicant claims ***writing, by a first one of the plurality of devices to a port memory associated with a port of the switch*** and then ***reading by a second one of the***

plurality of devices the set of data from the port memory to determine the status of the disk.

Accordingly, the Applicant respectfully urges that Carusone is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel "*writing, by a first one of the plurality of devices, a set of data into a port memory associated with a port of the switch*" and "*and reading by a second one of the plurality of devices the set of data from the port memory to determine the status of the disk.*"

Claim Rejections - 35 U.S.C. §103

At paragraphs 7-8 of the Office Action, claims 6, 8, 15-16, 45, 50 and 55-56 were rejected under 35 U.S.C. §103(a) as obvious in view Carusone.

The Applicant notes that claims 6 and 50 have been cancelled, and that claims 8, 15, 45 and 55 are dependent claims that depended from independent claims that are believed to be in condition for allowance.

As for claims 16 and 56, the Applicant notes that these claims are directed to computer readable medium and that the Examiner has cited them under §103 due to their inclusion of computer readable medium, which the Examiner maintains is not particularly disclosed by Carusone. The Applicant believes in light of the above discussions, these claims are also allowable.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

All independent claims are believed to be in condition for allowance.

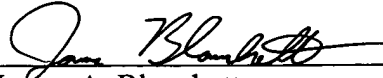
All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,



James A. Blanchette
Reg. No. 51,477
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500